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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PIAZZA CORCORAN, GLADYS JOSEFINA

ART UNIT PAPER NUMBER

1733

DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,126

Applicant(s)

SCHMIDT, STEPHEN R.

Examiner

Gladys J Piazza Corcoran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 1-9, 12-14, 18-34 and 36-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 15-17 and 35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FINAL ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, Species II in Paper No. 6 is acknowledged.

The traversal is on the ground(s) that the restriction between Groups I and II in view of the amendment made to claim 1 of Group I. This is not found persuasive because the Applicant also amended the independent claim 10 of Group II to include limitations that are not required by the claims of Group I. As discussed in the prior office action, the process as claimed can be practiced by another materially different apparatus. For example, the process does not require a wetting device adapted to apply wetting agent only to a plurality of the crests nor an adhesive supply device adapted to apply an adhesive composition to only the plurality of crests. It is noted that rejoinder of the claims in Group I will be considered upon indication of allowable subject matter in Group II and the basis thereof.

The traversal is also on the ground(s) that the restriction between species should be withdrawn in view of the arguments that the restriction between groups I and II should be withdrawn and the arguments of the allowability of the generic claims. This is not found persuasive because as discussed above, the restriction between the Groups I and II are still proper. Furthermore, as discussed below the generic claims are not considered allowable, therefore the restriction of the species is still considered proper. It is noted that rejoinder will be considered upon indication of allowable subject matter and the basis thereof.

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The traversal is also on the ground(s) that the examination of the entire application can be made without serious burden. This is not found persuasive because as discussed in the prior Office Action each of the Groups I, II and III require separate classification, search, and consideration. Additionally it is noted that the Groups require different claim interpretation that would require different rejections and application of the prior art. For example, in the case between the process claims and the apparatus claims, in addition to the difference discussed above, the apparatus claims do not require the material worked upon as limitations to the claims. It is noted that rejoinder will be considered upon indication of allowable subject matter and the basis thereof.

The requirement is still deemed proper and is therefore made FINAL.

2. This application contains claims 1-9, 12-14, 18-34, 36-38 drawn to an invention nonelected with traverse in Paper No. 5 and 6. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

3. Claims 1-9, 12-14, 18-34, 36-38 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Groups and Species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 6.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10, 11, 15-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallick '391 (US Patent No. 5,292,391) or Wallick '458 (US Patent No. 5,332,458) as set forth in the previous Office action.

Applicant has newly amended claim 10 to include the limitation that wetting device is adapted to apply a wetting agent to only a plurality of crests and that the adhesive supply device is adapted to apply an adhesive composition to only the plurality of crests. Wallick '391 and Wallick '458 both disclose applying wetting agent only to a plurality of the crests ('391- column 5, lines 30-31, column 7, lines 19-20, column 9, lines 57-60; '458- column 4, lines 18-19, column 5, lines 7-9 and 54-55, column 7, lines 13-16) and applying adhesive composition only to the plurality of the crests ('391- column 5, lines 1-3, 41-45; '458- column 4, lines 2-4, 28-32).

Wallick '391 and Wallick '458 both disclose an apparatus for manufacturing a corrugated product with a corrugating device for forming a plurality of flutes on a medium web (rollers 38 and 40), a wetting device to apply a wetting agent to the crests (spray 48/ roll coater 82), an adhesive supply device to apply adhesive to the crests (glue station 42), and a securing device to secure a second web of medium to the crests (pressure roll 36). As to claim 11, the corrugating device comprises a first corrugating roll and a second corrugating roll (rollers 38 and 40). As to claim 15, the wetting device is adapted to apply wetting agent to the crests prior to the adhesive supply device (see figure 1a). As to claim 16, there is a second wetting device for applying wetting agent to the crests on the second side of the single faced corrugating board (sprayer 61/roll

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coater 82). As to claim 17, there is a second adhesive supply device for applying adhesive to the crests on the second side of the first web (adhesive station 60).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallick '391 or Wallick '458 as applied to claim 10 above, and further in view of Westphal (US Patent No. 5,607,508) and/or Miller (US Patent No. 5,609,711).

Wallick '391 or Wallick '458 disclose that the wetting agent is applied to only to the crests in order to reduce costs and for easier recycling of the end product. Wallick '391 or Wallick '458 also disclose that the wetting agent is either applied by a sprayer device or a roll coater. While it is clear that the roll coater in Wallick '391 or Wallick '458 applies the wetting agent only to the crests, it is unclear as to whether the sprayer device in Wallick '391 or Wallick '458 is capable of applying adhesive only to the crests of the flutes.

It is well known in the art to apply coatings to only the crests of the flutes by using a sprayer. For example, Westphal discloses using a sprayer (pressurized nozzles 13) that applies coating material only to the crests of the flutes (column 3, lines 10-25; column 6, lines 7-19) as an obvious equivalent alternative to using a roll coater (column 5, line 56 to column 6, line 6). Miller discloses another example of using a sprayer to

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apply a coating to only the crests of flutes (column 7, lines 49-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus as shown in Wallick '391 or Wallick '458 with a wetting device that is a sprayer that applies wetting agent only to the crests as is well known in the art as an obvious equivalent alternative to a roll coater as further exemplified by Westphal and/or Miller particularly since Wallick '391 or Wallick '458 disclose that the wetting device is alternatively a sprayer.

8. Claims 10, 11, 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swift (US Patent No. 1,199,508) in view of Wallick '391 or Wallick '458.

Swift discloses an apparatus for manufacturing a corrugated product with a corrugating device (rollers 2,3) for forming a plurality of flutes on a medium web (web 1, corrugated web 4), a wetting device to apply a wetting agent to the crests (spraying device 6), an adhesive supply device to apply adhesive to the crests (rollers 29 and 30), and a securing device to secure a second web of medium to the crests (roller 9). As to claim 11, the corrugating device comprises a first corrugating roll and a second corrugating roll (rollers 2,3). As to claim 15, the wetting device is adapted to apply wetting agent to the crests prior to the adhesive supply device (see figure I). As to claim 16, there is a second wetting device for applying wetting agent to the crests on the second side of the single faced corrugating board (sprayer 17). As to claim 17, there is a second adhesive supply device for applying adhesive to the crests on the second side of the first web (rollers 29 and 30).

Applicant has newly amended claim 10 to include the limitation that wetting device is adapted to apply a wetting agent to only a plurality of crests and that the adhesive supply device is adapted to apply an adhesive composition to only the plurality of crests. Swift discloses that the adhesive composition is applied only to the crests (page 2, lines 17-28). As for the wetting agent, it is known in the art to apply wetting agent such as the one disclosed in Swift only to the crests in order to save costs and provide for easier recycling. For example, Wallick '391 and Wallick '458 both disclose applying wetting agent only to a plurality of the crests ('391- column 5, lines 30-31, column 7, lines 19-20, column 9, lines 57-60; '458- column 4, lines 18-19, column 5, lines 7-9 and 54-55, column 7, lines 13-16). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus as shown in Swift with a wetting device that applies wetting agent only to the crests in order to save costs and provide for easier recycling as shown by Wallick '391 and Wallick '458.

9. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swift in view of Wallick '391 or Wallick '458 as applied to claim 10 above, and further in view of Westphal (US Patent No. 5,607,508) and/or Miller (US Patent No. 5,609,711).

Swift discloses that the wetting device is a sprayer, however does not specifically recite that the wetting device is adapted to apply wetting agent only to the crests. Wallick '391 or Wallick '458 disclose that the wetting agent is applied to only to the crests in order to reduce costs and for easier recycling of the end product. Wallick '391 or Wallick '458 also disclose that the wetting agent is either applied by a sprayer device or a roll coater. While it is clear that the roll coater in Wallick '391 or Wallick '458

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applies the wetting agent only to the crests, it is unclear as to whether the sprayer device in Wallick '391 or Wallick '458 is capable of applying adhesive only to the crests of the flutes.

It is well known in the art to apply coatings to only the crests of the flutes by using a sprayer. For example, Westphal discloses using a sprayer (pressurized nozzles 13) that applies coating material only to the crests of the flutes (column 3, lines 10-25; column 6, lines 7-19) as an obvious equivalent alternative to using a roll coater (column 5, line 56 to column 6, line 6). Miller discloses another example of using a sprayer to apply a coating to only the crests of flutes (column 7, lines 49-57). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus as shown in Swift, Wallick '391 or Wallick '458 with a wetting device that is a sprayer that applies wetting agent only to the crests as is well known in the art as an obvious equivalent alternative to a roll coater as further exemplified by Westphal and/or Miller particularly since Swift, Wallick '391 or Wallick '458 disclose that the wetting device is alternatively a sprayer.

Response to Arguments

10. Applicant's arguments filed October 6, 2003 have been fully considered but they are not persuasive.

Applicant argues on page that 16 that neither Swift nor Wallick disclose a wetting device and that instead Swift discloses an adhesive material spraying device and Wallick discloses a resin applicator for applying adhesive material. The devices as shown in Swift (spraying device 6) and Wallick (spray 48/roll coater 82) are considered

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to be wetting devices. The devices in the references have the same structure and function as Applicant's invention. Furthermore, a device for applying a wetting agent (any liquid) is considered to be a wetting device. Also, it is noted that the wetting agent in Swift and Wallick are aqueous solutions (Swift- page 1, lines 75-80; Wallick- i.e. latex, '391- column 8, lines 5-11, column 10, lines 1-10, '458- column 5, lines 46-55, column 7, lines 19-27). It is also noted that the material worked upon in apparatus claims do not further limit the apparatus claims (MPEP 2215).

Applicant argues on page 17 that the devices in Swift and Wallick apply adhesive material to the entire surface of the corrugated web. As discussed above, Wallick '391 and Wallick '458 both disclose applying wetting agent only to a plurality of the crests ('391- column 5, lines 30-31, column 7, lines 19-20, column 9, lines 57-60; '458- column 4, lines 18-19, column 5, lines 7-9 and 54-55, column 7, lines 13-16) and applying adhesive composition only to the plurality of the crests ('391- column 5, lines 1-3, 41-45; '458- column 4, lines 2-4, 28-32). As also discussed above, while it appears that Swift discloses applying wetting agent to all of the corrugated surface, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the apparatus in Swift with a wetting device that applies wetting agent only to the crests in order to save costs and provide for easier recycling as shown by Wallick '391 and Wallick '458.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gladys J Piazza Corcoran whose telephone number is (571) 272-1214. The examiner can normally be reached on M-F 8am-5:30pm (alternate Fridays off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.


Gladys J Piazza Corcoran
Examiner
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GJPC